

REMARKS

Upon entry of this paper, claims 1, 4-5, 9, 14, 17, 20, 38 and 43 have been amended, claims 6-7, 13, 21, 23-29, and 35-37 have been cancelled. No claims have been added as new claims, thus claims 1-5, 8-12, 14-20, 22-23, 30-34, and 38-52 are presently pending in this application. No new matter has been added.

Objections to Drawings

The draftsman objected to the informal drawings previously submitted. Formal drawings have been prepared and are submitted herewith.

Objection to Title

The Examiner objected to the title "Lightweight Global Distribution Mechanism" on the grounds that the title was not descriptive of the claimed invention. Although disagreeing with the Examiner, Applicant has amended the title to "A System and Method for the Global Distribution of Data" in response to the Examiner's objection.

Indications of Allowability

The Applicant appreciates the Examiner's indication of allowability of pending claims 30-34 and 47-52.

Objection to Claim 13

The Examiner had indicated in the present Office Action that claim 13 was objected to but would be allowable if re-written in independent form incorporating all of the elements of the upon which it was dependent. Claim 9, the independent claim upon which claim 13 was dependent, has been re-written to incorporate the provisions of claim 13 which has now been cancelled. Additionally, claims 10-12 are dependent upon the newly amended claim 9. Accordingly, Claims 9-12 are now in condition for allowance.

Claims 1-3, 5, and 8 were rejected under 35 U.S.C. §102(a,b) as being anticipated by “The Internet Unleashed”, First Edition (1994)(hereafter “Internet Unleashed”). These rejections are respectfully traversed in view of the current amendments and the following comments.

Summary of the Invention

The present invention addresses the limitations of conventional systems by providing a lightweight global distribution mechanism for distributing packages. The distribution mechanism that does not rely upon registration, and thus, does not incur the overhead associated with maintaining a registry. In addition, the present invention allows clients to anonymously download or install the packages. A publishing master on a remote system on a network is provided with an index of available packages for loading. The index contains information about multiple packages. The packages may take many forms, including the form of a patch, a document or a hypertext markup language (HTML) file, for example. The index is accessed on behalf of the client system to identify at least one selected package for installation at the client system. The list of available packages from the publishing master may be compared against a generated list produced by the client system that indicates which packages are already installed on the client system. The client may also maintain a subscription list of the packages to which the client subscribes. The subscription list may be utilized in the decision process determining which package to download. The selected package is then downloaded and loaded/installed on the client system.

Summary of Cited Sections of Internet Unleashed

The Internet Unleashed reference pages 468-471 discuss the operation of the File Transfer Protocol (FTP). The Internet Unleashed discusses the use of FTP in conjunction with public files that exist on anonymous FTP servers. The use of the directory command (dir) to determine available files on the remote server is also discussed along with the fact that FTP typically is employed in a client-server architecture with an FTP client application running on the local machine. Internet Unleashed does not discuss identifying packages installed at the client

Group Art Unit: 2124

and using that information as part of the decision process involved in installing new packages downloaded from the server.

Pending Claims 1-3, 5 and 8 are not Anticipated by Internet Unleashed

The amended independent claim 1, upon which claims 2-5, 8 and 12 are dependent, requires storing at the client system information identifying the packages to which the client system subscribes, programmatically accessing the index to identify a selected package for loading at the client system. The process of selecting a package for loading uses both the information from the index which indicates what packages are available for loading and uses the information about which packages the client system has a subscription. These three elements, the programmatic accessing, the identification of the client system subscription data, and the use of the subscription data in combination with the index data are missing from the Internet Unleashed reference. Accordingly, claims 1-3, 5 and 8 are now in condition for allowance.

Claim Rejections under 35 U.S.C. §102(b)

Claims 14-17, 20, 22-23, 38-40 and 43-44 were rejected under 35 U.S.C. §102(b) as being anticipated by "Push Technology for Dummies", by Bud Smith (1997)(hereafter "Push"). These rejections are respectfully traversed in view of the current amendments and the following comments.

Summary of Push

Push discusses the use of subscription services using the Internet Explorer™ 4.0 browser. Push discusses the use of Internet Explorer™ 4.0 to track and download changes to a web page. Changed web pages for which a subscription has been registered are downloaded automatically to the client system where it is loaded by the web browser for display to a user. Alternatively, the web page may be downloaded to the client system and then viewed later offline. The use of a periodic update schedule is discussed as are the use of channels which may be downloaded without registering. Push does not discuss identifying packages installed at the

Group Art Unit: 2124

client and using that information as part of the decision process involved in installing new packages downloaded from the server.

Pending Claims 14-17, 20, 22-23, 38-40 and 43-44 are not Anticipated by Push

Independent claim 14, upon which claims 15-16 are dependent, and claim 17 have been amended to indicate that the client programmatically accesses the data regarding what packages are available from the server/publishing master and the subscription data for the client. Push is inapplicable to the claims in that the subscription process described involves the checking of a single web page. Claim 14 specifies providing “data regarding what packages are available.” Claim 17 specifies a package index identifying “names and versions of packages stored on the repository.” In both cases, there is a requirement of plural packages. Accordingly, claims 14-17 are not anticipated by Push since it lacks elements of those claims.

Independent claim 20, upon which claims 22-23 are dependent has been amended to indicate that the step of identifying selected packages uses information from a client-maintained subscription list of packages to which the client system subscribes. It also includes a publishing master holding an index of packages that are available for installation. As noted above, the subscription process of Push checks a single web page, not information on multiple packages through an index.

Independent claim 38, upon which claims 39 and 40 are dependent, has been amended to include the steps of identifying packages already installed at the client, and the use of the information about the installed packages in the package selection process. Independent claim 43 (upon which claim 44 is dependent) is the corresponding medium claim for claim 38 and has added the same steps as claim 38. Push does not discuss the identification of installed packages nor the actual installation of the packages. Rather, Push discusses the downloading of web pages to a browser. Additionally, the section (page 221 Push) cited by the Examiner in the Office Action (page 6) as evidence of the package index identifying names and versions of packages stored on the repository is not discussing the operation of the Internet Explorer 4.0 subscription service but rather is discussing the installation of the Internet Explorer setup program. As

previously noted, the package index holds information about multiple packages. Since the cited reference does not contain all of the elements of claims 38-40 and 43-44, the claims are not anticipated by Push and should therefore be allowed.

Claim Rejections Under 35 U.S.C. §103(a) based on Push in view of Official Notice of Claiming Data

Claims 18, 19, 41, 42, 45 and 46 were rejected under 35 U.S.C. §103(a) as being obvious based on Push in view of Official Notice of claiming data. These rejections are respectfully traversed in view of the following comments.

Claims 18 and 19 are dependent upon newly amended independent claim 17. They include the element of a package index holding references to multiple packages. As previously indicated, Push lacks this limitation and the Official Notice of Claiming Data does not supply the missing element. Additionally the type of data is a patentable distinction since the underlying independent claim has a loading step which varies based on the type of data. Since the two references in combination do not include all of the elements, claims 18 and 19 are not rendered obvious by Push in view of Official Notice of claiming data.

Claims 41 and 42 are dependent upon newly amended claim 38. Claims 45 and 46 are dependent upon newly amended claim 43. As noted above, claims 38 and 43 have been amended to include elements lacking in Push. The Official Notice of claiming data does not supply the missing elements either. Additionally, the claims incorporate the elements of the underlying parent claim. In claim 45 for example, the claim that the package contains a patch must be read in conjunction with the recited step in claim 43 which requires the identification of packages already installed on the client system. In such a case, the process of identifying a patch is different from identifying another type of data. Since the two references in combination do not include all of the elements, claims 41, 42, 45 and 46 are not rendered obvious by Push in view of Official Notice of claiming data.

Claim Rejections Under 35 U.S.C. §103(a) based on Internet Unleashed in view of Official Notice of Claiming Data

Claim 4 was rejected under 35 U.S.C. §103(a) as being obvious based on Internet Unleashed in view of Official Notice of claiming data. The rejection is respectfully traversed in view of the following comments.

Claim 4 is dependent upon newly amended claim 1. As noted above, claim 1 has been amended to include elements lacking in Internet Unleashed. The Official Notice of claiming data does not supply the missing elements either. Additionally, the claim incorporates the elements of the underlying parent claim. In claim 4 for example, the claim that the package contains a patch must be read in conjunction with the recited step in claim 1 which requires the identification of packages already installed on the client system. In such a case, the process of identifying a patch is different from identifying another type of data and thus patentably distinct.. Since the two references in combination do not include all of the elements, claim 4 is not rendered obvious by Push in view of Official Notice of claiming data and is now in condition for allowance.

Claim Rejections Under 35 U.S.C. §103(a) based on Internet Unleashed in view of Using the Windows 95 Registry (hereafter Registry)

Claim 12 was rejected under 35 U.S.C. §103(a) as being obvious based on Internet Unleashed in view of Registry. The rejection is respectfully traversed in view of the following comments.

Summary of Registry

The Examiner in the Office Action cited Registry to supply the element of installing software on a system with a registry where the system checks to see if the software has already been installed and extracts information such as version and ID. The cited section on page 15 of

Registry indicates that Registry information settings are contained in the registry and describe all the software objects (OLE) installed on the computer including capabilities and interfaces.

Claim 12 is dependent upon newly amended claim 1. As noted above, claim 1 has been amended to include elements lacking in Internet Unleashed. Registry also does not supply the missing elements. Registry is describing a portion of the Windows 95 operating system and does not suggest using the installed package data in conjunction with an index provided by a publishing master and a subscription list in order to make a package selection. The combination of references lack some of the elements found in claim 12 and claim 1. There is also no motivation to combine the two references. Since the two references in combination do not include all of the elements, claim 12 is not rendered obvious by Internet Unleashed in view of Registry and is now in condition for allowance.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicants courteously solicit allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due, other than the issue fee, is authorized to be charged to the aforementioned Deposit Account.

Dated: June 3, 2003

Respectfully submitted,

By John S. Curran

John S. Curran

Registration No.: 50,445

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney For Applicant